

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford

Case No. 21-41862-MAR
Chapter 7
HON. Mark A. Randon

Debtor(s).

MOTION TO WITHDRAW AS COUNSEL FOR DEBTORS

NOW COMES CHARLES J. SCHNEIDER, and herewith states his motion as follows:

1. Charles J. Schneider acted as counsel for the Debtors relative to the filing of these Chapter 7 proceedings since 3/05/2021.

2. Movant believes it is necessary that he withdraw as counsel for the Debtors for the reason that there has been a breakdown in the relationship between counsel and clients and counsel believes that the clients' conduct is rendering it unreasonably difficult for counsel to carry out his employment effectively. In support of this motion, movant cites Michigan Rules of Professional Conduct 1.16(b)(3), (4) & (6).

3. The undersigned counsel had been informed that the Debtors desired to convert their case from a chapter 7 case to a chapter 13 to avoid the possible sale of their home by the chapter 7 Trustee. To that extent, the undersigned counsel filed a motion to convert the case from a chapter 7 to a chapter 13 on 08/02/2021 (Docket# 30). Since the filing of the motion, the undersigned counsel has been informed by the Debtor husband that he did not wish payments to be deducted from his pay check. He does not want to sign the amended Scheduler I and J that need to be signed to support the motion to convert. He no longer desires to convert case. The Debtor wife has continued to express a desire to convert the case to keep the home. She has also suggested that her case be severed from her husband's. The divergent goals of the joint Debtors have placed the undersigned counsel in a conflict.

4. Counsel has advised the clients of his intention to withdraw from representation in this proceeding pursuant to Rule 1.16(b).

WHEREFORE, Charles J. Schneider prays this Honorable Court enter an order permitting him to withdraw as counsel for the Debtors Daryl L. Shackelford and Nicol M. Selmon-Shackelford.

/s/ Charles J. Schneider
CHARLES J. SCHNEIDER (P27598)
MARY BETH WIMBERLEY (P82137)
NICHOLAS D. CHAMBERS (P72694)
Attorneys for Debtors
39319 Plymouth Rd., Ste. 1
Livonia, MI 48150
(734) 591-4890
notices@cschneiderlaw.com

Dated: September 9, 2021

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford

Case No. 21-41862-MAR
Chapter 7
HON. Mark A. Randon

Debtor(s).

BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR THE DEBTORS

This motion is brought pursuant to Michigan Rules of Professional Conduct 1.16(b). Movant has been counsel for the Debtors since 3/05/2021. In recent months, during the course of employment, Movant has advised the clients as to the proper manner of action with respect to their obligations in this Chapter 7 proceeding. Movant believes that Debtors are not acting in conformity with the advice of counsel to certain substantive matters in this case, making counsel's representation of Debtors unreasonably difficult. As a result of the clients' actions, counsel believes that there has been a breakdown in the attorney-client relationship and that it would be in the best interests of both the clients and counsel if withdrawal were permitted.

Permissive withdrawal is proper pursuant to Rule 1.16(b) based on a variety of factors. In this matter, Movant is citing sub-sections (3), (4) & (6). Movant believes that the clients' conduct is rendering it unreasonably difficult for Movant to carry out his employment effectively.

Movant does not believe that withdrawal will prejudice the rights of the clients and further believes that this Court will find the existence of other good cause for withdrawal pursuant to Rule 1.16(b)(6).

WHEREFORE, Charles J. Schneider prays this Court enter an order authorizing his withdrawal as counsel for the Debtors.

/s/ Charles J. Schneider
CHARLES J. SCHNEIDER (P27598)
MARY BETH WIMBERLEY (P82137))
NICHOLAS D. CHAMBERS (P72694)
Attorneys for Debtor(s)
39319 Plymouth Rd., Ste. 1
Livonia, MI 48150
(734) 591-4890
notices@cschneiderlaw.com

Dated: September 9, 2021

EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford

Case No. 21-41862-MAR
Chapter 7
HON. Mark A. Randon

Debtor(s).

ORDER AUTHORIZING WITHDRAWAL AS COUNSEL FOR DEBTORS

This matter having come on to be heard upon the motion to withdraw as counsel for Debtors, filed by Charles J. Schneider, a hearing having been held thereon, the Court finding good cause for entry of this Order and being otherwise fully advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED that Charles J. Schneider is authorized to withdraw as counsel for Debtors Daryl L. Shackelford and Nicol M. Selmon-Shackelford, effective as of the date of this order.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford

Case No. 21-41862-MAR
Chapter 7
HON. Mark A. Randon

Debtor(s).

NOTICE OF MOTION TO WITHDRAW AS COUNSEL FOR DEBTORS

Petitioner, CHARLES J. SCHNEIDER, has filed papers with the court to withdraw as counsel for the above captioned Debtor(s).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant counsel's withdrawal from the within case, or if you want the court to consider your views on the motion, within FOURTEEN (14) days from the date of service of this motion, you or your attorney must:

1. File a written response or an answer explaining your position with¹:
United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the FOURTEENTH (14th) day from the date of service of this motion.

You must also send a copy to:

Charles J. Schneider	Karen E. Evangelista
Attorney for Debtor(s)	Karen E. Evangelista P.C.
39319 Plymouth Rd., Suite 1	410 West University, Suite 225
Livonia, MI 48150	Rochester, MI 48307

¹Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e)

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought and may enter an order granting that relief.

/s/ Charles J. Schneider
CHARLES J. SCHNEIDER (P27598)
MARY BETH WIMBERLEY (P82137)
NICHOLAS D. CHAMBERS (P72694)
Attorneys for Debtor(s)
39319 Plymouth Rd., Ste. 1
Livonia, MI 48150
(734) 591-4890
notices@cschneiderlaw.com

Dated: September 9, 2021

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford

Case No. 21-41862-MAR
Chapter 7
HON. Mark A. Randon

Debtor(s).

PROOF OF SERVICE

Jane Gackle, certifies that she is employed by the Law Office of Charles J. Schneider, P.C., attorney for the Debtor, and states that on September 9, 2021, she served a copy of **MOTION TO WITHDRAW AS COUNSEL FOR DEBTORS, NOTICE OF MOTION TO WITHDRAW AS COUNSEL FOR DEBTORS, BRIEF IN SUPPORT OF MOTION AND PROPOSED ORDER** to:

Daryl L. Shackelford
Nicol M. Selmon-Shackelford
8836 Woodbine
Redford, MI 48239

Karen E. Evangelista
Karen E. Evangelista P.C.
410 West University Suite 225
Rochester MI 48307

All parties indicated on the attached dated court matrix

Electronically pursuant to the court notice of service and to those not electronically registered by placing documents in an envelope, correctly addressed and placing same in the U.S. Mail with postage prepaid.

/s/ Jane Gackle
JANE GACKLE
LAW OFFICE OF CHARLES J. SCHNEIDER, P.C.
39319 Plymouth Rd., Ste. 1
Livonia, MI 48150
(734) 591-4890
notices@cschneiderlaw.com

EXHIBIT 4

Label Matrix for local noticing
0645-2
Case 21-41862-mar
Eastern District of Michigan
Detroit
Thu Sep 9 10:36:38 EDT 2021

Allstate Credit Bureau
22000 Springbrook Ave
Suite 201
Farmington, MI 48336-4375

AFNI
PO Box 3097
Bloomington, IL 61702-3097

AT&T Mobility
PO Box 6416
Carol Stream, IL 60197-6416

Ally Financial
P.O. Box 380901
Bloomington, MN 55438-0901

Ally Financial
PO Box 380901
Bloomington, MN 55438-0901

American Profit Recovery
34405 West 12 Mile Road
Suite 379
Farmington Hills, MI 48331-5608

Barclays Bank Delaware
Attn: Officer for receipt of Process
PO Box 8803
Wilmington, DE 19899-8803

Beaumont Health
PO Box 554878
Detroit, MI 48255-4878

Best Buy/CBNA
5800 South Corportate Place
Sioux Falls, SD 57108-5027

Heather R. Burnard
31440 Northwestern Highway
Suite 200
Farmington Hills, MI 48334-5422

CB Indigo
P.O. Box 4499
Beaverton, OR 97076-4499

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

Capital One
PO Box 30281
Salt Lake City, UT 84130-0281

Capital One Bank
P.O. Box 30281
Salt Lake City, UT 84130-0281

Christine Selmon
20213 Redfern
Detroit, MI 48219-1221

Christine Selomon
20213 Redfern
Detroit, MI 48219-1221

Tracy M. Clark
25925 Telegraph Rd.
Suite 203
Southfield, MI 48033-2527

Comenity Bank
PO Box 182789
Columbus, OH 43218-2789

Comenity Bank-Victoria Secrets
P O Box 182789
Columbus, OH 43218-2789

Comenity Bank/Torrid
P.O. Box 182789
Columbus, OH 43218-2789

Comenity Bank/Wayfair
PO Box 182789
Columbus, OH 43218-2789

(p) CONGRESS COLLECTION
701 SNOW RD
STE C
LANSING MI 48917-4087

Credence Resource Management
PO Box 2390
Southgate, MI 48195-4390

Credit Card/FB&T
1415 Warm Springs Road
Columbus, GA 31904-8366

Credit One Bank
P.O. Box 98872
Las Vegas, NV 89193-8872

(p)DSNB MACY S
CITIBANK
1000 TECHNOLOGY DRIVE MS 777
O FALLON MO 63368-2222

Enhanced Recovery Company LLC
PO Box 57547
Jacksonville, FL 32241-7547

Karen E. Evangelista
410 West University
Suite 225
Rochester, MI 48307-1938

ExxonMobile/Citibank
5800 South Coporated Place
Sioux Falls, SD 57108-5027

(p)FIRST FEDERAL CREDIT CONTROL INC
24700 CHAGRIN BLVD
SUITE 205
BEACHWOOD OH 44122-5662

First Premier
Attn: Officer for Receipt of Process
3820 N Louise Ave
Sioux Falls, SD 57107-0145

IC Systems Collections
PO Box 64378
St. Paul, MN 55164-0378

IRF/Pioneer
6520 Indian River
Virginia Beach, VA 23464-3439

Kamran F. 'Sheikh, MD PC
PO Box 77000 Departent 77220
Detroit, MI 48277-2000

Kohl's Department Store
Attn: Office for Receipt of Process
P.O. Box 3115
Milwaukee, WI 53201-3115

Kohls Department Store
PO Box 3115
Milwaukee, WI 53201-3115

LVNV Funding
c/o Resurgent Capital Services
P O Box 1269
Greenville, SC 29602-1269

Merrick Bank
PO Box 9201
Old Bethpage, NY 11804-9001

Mountian Run Solutions LLC
313 E. 1200 South
Suite 200
Orem, UT 84058-6939

NewRez
PO Box 619063
Dallas, TX 75261-9063

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Prosper Marketplace
221 Main Street #300
San Francisco, CA 94105-1909

SYNCB/Amazon
P.O. Box 965015
Orlando, FL 32896-5015

SYNCB/TJX
P.O. Box 965015
Orlando, FL 32896-5015

Charles J. Schneider
39319 Plymouth Rd.
Suite 1
Livonia, MI 48150-1064

Nicol M. Selmon-Shackelford
8836 Woodbine
Redford, MI 48239-1228

Daryl L. Shackelford
8836 Woodbine
Redford, MI 48239-1228

Small Business Administration
1441 L ST NW
Mail Code 5460
Washington, DC 20005-3512

The Home Depot/CBNA
5800 South Corporate Place
Sioux Falls, SD 57108-5027

US Treasury-Financial Management
PO Box830794
Birmingham, AL 35283-0794

Web Bank/Fingerhut
6250 Ridgewood Rd.
Saint Cloud, MN 56303-0820

Willmae Shackelford
18465 Lenore St
Detroit, MI 48219-3019

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Congress Collection
P.O. Box 130
Saint Johns, MI 48879

DSNB/Macy's
Attn: Office for Receipt of Process
P.O. Box 8218
Mason, OH 45040

First Federal Credit Control, Inc.
24700 Chagrin Blvd
Suite 205
Cleveland, OH 44122-5662

(d)First Federal Credit Control, Inc.
Attn: Officer for receipt of Process
24700 Chagrin Blvd Ste 205
Cleveland, OH 44122

Portfolio Recovery
120 Corporate Blvd.
Suite 100
Norfolk, VA 23502

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Detroit Water & Sewerage Department

(u)Edward Harris
KVS, LLC d/b/a Re/Max First

(u)LoanCare, LLC

End of Label Matrix
Mailable recipients 53
Bypassed recipients 3
Total 56